IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 1411 OF 2007

Shashi Badruka ..Petitioner
Vs.
State of Maharashtra and anr. ..Respondents

Mr. Bhavesh Parmar for petitioner.
Mr. P.A. Pol, APP for State.

CORAM: B.H. MARLAPALLE, J.

Date : August 14, 2007.

P.C.:

1. Heard Mr. Parmar the learned counsel for the petitioner who is an accused in C.C. No.113/SW/2005 filed for the offences punishable under Sections 420 and 409 of IPC. Accused No.1 is M/s. Hicel Pharma Ltd. and accused no.2 is the present petitioner in his capacity as Managing Director of the accused no.1-company. The complainant filed an affidavit by way of examination-in-chief and thereafter the learned Addl. Chief Metropolitan Magistrate, 47th Court, Esplanade, Mumbai passed an order on 7/4/2007 directing framing of the charge against the accused. The said order was challenged in Criminal Revision Application No.501 of 2007. The revision came to be

dismissed by the learned Addl. Sessions Judge on 10/7/2007 and hence this petition.

2. The learned counsel for the petitioner referred to certain observations made in the order dated 7/4/2007 as well as in the order dated 10/7/2007 dismissing the revision application and submitted that by those observations the pending complaint is almost decided, though it was at the stage of framing of charge.

3. Though there is no reason to cause interference in the impugned orders, it is directed that the defence shall be granted an opportunity to cross-examine the complainant in support of the charge framed and the complaint shall be decided on its own merits and without being influenced by any observations made in the order dated 10/7/2007 passed by the revision court.

4. Petition is disposed off in terms of the above directions.

(B.H. Marlapalle,J.)